

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

Crl.Rev.Pet.No. 1244 of 2004(A)

CRA.7/2001 of ADDL. SESSIONS COURT, (ADHOC), PALAKKAD
CC.386/1996 of JUDL.MAGISTRATE OF FIRST CLASS COURT, MANNARKAD
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REVN. PETITIONER: APPELLANT/ACCUSED

N.BHOOPATHI S/O. NARAYANAN NAIR,
PATTIKKADU CHUNGAM, KARUVAPPARA,
PERINTHALMANNA.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT

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1. K.SUBRAMANIAN, 29/183, AGED 45 YEARS,
TERRIBLE STREET, KARNAKI NAGAR, PALAKKAD
 2. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.K.P.BALAGOPAL
PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN HEARD
ON 19/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K. HEMA, J.

Crl.R.P. No.1244 of 2004

Dated this 19th day of January, 2007.

O R D E R

Revision Petitioner is the accused in C.C.No.386 1996 on the file of the Judicial First Class Magistrate's Court, Mannarkad. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for three months under Section 138 of the Negotiable Instruments Act and also directed to pay compensation of Rs.86,000/- to the complainant under section 357(3) of the Code of Criminal Procedure. In appeal filed by him, the conviction and sentence were confirmed by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.905 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith. Since the accused is in custody, the Registry is directed to issue release memo to the concerned jail authorities.

Crl. M.Appl.No.905 of 2007 and Revision Petition are allowed.

vgs.

K. HEMA, JUDGE.